

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

United States of America

v.

Pablo Martinez-Martinez

Weyner Perez-Domingo

Edwin Perez-Sanchez

Defendants

Case No.

22-5101MJ

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Beginning on an unknown date and continuing through on or about March 8, 2022, in the District of Arizona and elsewhere, defendants, Pablo Martinez-Martinez, Weyner Perez-Domingo, and Edwin Perez-Sanchez, knowing and in reckless disregard of the fact that certain aliens had come to, entered, or remained in the United States in violation of the law, did conspire to transport and move such aliens within the United States by means of transportation and otherwise, in furtherance of such violation of law.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(a)(1)(A)(v)(I).

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause, Incorporated by Reference Herein

☒ Continued on the attached sheet.

JAMES P PANTER Digitally signed by JAMES P PANTER  
Date: 2022.03.10 11:13:56 -07'00'

*Complainant's signature*

Reviewed by AUSA Esther J. Winne

James Panter, Special Agent

*Printed name and title*

Sworn to telephonically.

Date: March 10, 2022  
12:12 pm

*Deborah M. Fine*  
*Judge's signature*

City and state: Phoenix, Arizona

Honorable Deborah M. Fine, U.S. Magistrate Judge

*Printed name and title*

**STATEMENT OF PROBABLE CAUSE**

I, James Panter, Special Agent with Homeland Security Investigations, being duly sworn, declare and state as follows:

**INTRODUCTION AND BACKGROUND OF AFFIANT**

1. Your Affiant is a Special Agent (SA) with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), currently serving in Casa Grande, Arizona, and have been since December of 2010. As such, I am an investigator or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), who is empowered to conduct investigations of, and to make arrests for, offenses enumerated in Title 8, Title 18, Title 21, and Title 31, of the United States Code.

2. In preparing this Affidavit, I conferred with other law enforcement officials, who share the opinions and conclusions stated herein. I have personal knowledge of the following facts or have learned them from other law enforcement officers. I also relied on my training, experience, and background in law enforcement to evaluate this information. Since this Affidavit is being submitted for the limited purpose of establishing probable cause for a complaint, I have not included each and every fact or source of information establishing the violation of federal law.

**PROBABLE CAUSE**

3. On September 26, 2021, HSI Casa Grande investigators received a tip from a concerned citizen regarding a possible undocumented non-citizen (UNC) camp near Mile Marker 112 on State Route 79 (SR-79), south of Florence, Arizona. The reporting individual stated he was hiking around East Freeman Road near State Route 79 and observed piles of camouflage backpacks and clothing in the brush along the area of the Pole Line Road.

4. After checking the area and confirming the report, law enforcement officers deployed a camera to monitor traffic on East Freeman Road beginning on October 19, 2021. Over the next 10 days, the camera captured a vehicle making four trips to the area.

5. On October 29, 2021, HSI investigators again visited the area of the Pole Line Road and found that additional camouflage clothing, backpacks, and soda cans had been discarded in that location.

6. In mid-November of 2021, USBP installed two new cameras along the Pole Line and Freeman roads. Over the next month, these cameras captured video and photographs of two different vehicles stopping in the area to allow suspected UNC's to exit, discard camouflage clothing or backpacks, and return to the vehicles.

7. In December 2021, based on this camera footage and additional physical surveillance conducted by HSI Agents, as well as additional evidence from a stop on one of the vehicles that was loaded with UNC's, HSI Agents requested and were authorized tracking warrants on three of the vehicles observed making stops at the Pole Line Road, including a white Chevrolet Tahoe.

8. Data from the authorized tracking warrants, combined with physical surveillance and other observations, established a pattern of vehicles leaving Phoenix, traveling to southern Arizona, briefly stopping at a location known to law enforcement for human smuggling, stopping again at the Pole Line Road on their return trip north, then stopping at a specific condominium within the Enclave at The Biltmore condominium complex (hereinafter the "Biltmore Condo"), and finally returning to their starting location. Based on this pattern, HSI SAs believed that a human smuggling organization was using the vehicles to pick up UNC's at remote locations in southern Arizona, taking those UNC's to the Pole Line Road to discard their camouflage, and then bringing the UNC's to stash houses in Phoenix, including the Biltmore Condo.

9. In addition to following this pattern, vehicles linked to the Biltmore Condo were observed leaving Phoenix and traveling into other states, including Texas, Georgia, Delaware, West Virginia, Nevada, California, and Oklahoma, only to return days later. HSI Agents believed that the human smuggling organization was using the vehicles to pick up UNC's at stash house locations in Phoenix and then to transport those UNC's to their final destinations across the United States.

10. Based on this information and additional evidence, HSI agents applied for and were authorized a residential search warrant for the Biltmore Condo on March 7, 2022.

11. On the afternoon of March 8, 2022, while conducting physical surveillance on the Biltmore Condo, HSI SAs observed a white Chevrolet Tahoe backing into the garage of the unit. This vehicle was previously photographed in the area of the Pole Line Road and was the subject of a December 2021 federal tracking warrant. Several minutes later, the Tahoe departed the garage and left the condominium complex. HSI SAs maintained continuous physical surveillance of the Tahoe as it traveled through Phoenix and ultimately proceeded northbound on Interstate 17. HSI SAs believed the vehicle's path was an indication that the Tahoe was headed out of Arizona on a cross country trip, as it had been observed doing on previous occasions, and was loaded with UNC's that would be delivered to their final destinations across the United States.

12. When the Tahoe was just north of Pinnacle Peak Road on Interstate 17, HSI SAs conducted a traffic stop on the vehicle. The driver of the vehicle was identified as defendant, Pablo MARTINEZ-MARTINEZ. Inside the vehicle, HSI SAs observed 11 passengers, including four individuals sitting in the back seat without seatbelts, a fifth person sitting on the floor in front of the back seat, and five additional subjects sitting in the cargo area of the vehicle. HSI SAs determined that none of the occupants in the vehicle were legally present in the United States. MARTINEZ-MARTINEZ and the 11 passengers were then detained and transported for questioning to the United States Border Patrol Station in Casa Grande, Arizona.

13. In a post-*Miranda* interview, MARTINEZ-MARTINEZ told Agents he was traveling to North Carolina for work and was dropping off some of the passengers in Tennessee and the rest in North Carolina. MARTINEZ-MARTINEZ admitted that he knew some of the occupants were UNC's. He also told Agents that he had been coordinating via telephone with an unknown individual named "Chevy" to pick up UNC's from the garage of the Biltmore Condo. The call log on MARTINEZ-MARTINEZ's phone confirmed that he had been in contact with someone named "Chevy" earlier that day.

14. During interviews with the passengers in the vehicle, several subjects identified MARTINEZ-MARTINEZ as the driver of the Tahoe, including two material witnesses, Lazaro RUIZ-ALFONZO and Juan PONCIO-XILOJ.

15. On the evening of March 8, 2022, HSI SAs executed the residential search warrant on the Biltmore Condo. Inside the unit, HSI SAs found and detained 40 individuals. The majority of the subjects located in the condominium were UNC's from Guatemala, Honduras, and Mexico waiting to be transported further into the United States. HSI SAs also identified two individuals inside the residence, defendants Weyner PEREZ-DOMINGO and Edwin PEREZ-SANCHEZ, as having a role in coordinating the Biltmore Condo stash house.

16. In a post-*Miranda* interview, PEREZ-DOMINGO told Agents that he had been working at the Biltmore Condo stash house for approximately one week. He explained that he was responsible for bringing food to the UNC's. PEREZ-DOMINGO also admitted that he would travel to a local gas station to pick up UNC's and bring them back to the Biltmore Condo. PEREZ-DOMINGO told Agents that he was responsible for recording information about arriving and departing UNC's in a physical ledger that was found inside the condominium during the residential search. The ledger contained approximately 749 names. PEREZ-DOMINGO said he also organized groups of UNC's that were getting ready to be picked up from the Biltmore Condo. He told Agents that he conducted all of these activities on behalf of a man named "Chevy" who was also arrested at the condominium. PEREZ-DOMINGO said that "Chevy" sometimes called him on his phone to give directions. The phone number that PEREZ-DOMINGO provided for "Chevy" was the same number in contact with MARTINEZ-MARTINEZ earlier in the day. PEREZ-DOMINGO was shown several photo arrays of six different individuals and identified a photograph of Edwin PEREZ-SANCHEZ as "Chevy."

17. When Agents attempted to interview Edwin PEREZ-SANCHEZ, he invoked his rights and decline to provide a statement. However, on March 8, 2022, HSI SAs observed PEREZ-SANCHEZ several times outside of the Biltmore Condo, including

seeing him come and go from the location in different vehicles. Edwin LOPEZ-CORTES, a material witness, also told Agents that he was instructed to walk a bundle of currency out to the driver of an SUV parked under a carport near the Biltmore Condo. LOPEZ-CORTES later identified PEREZ-SANCHEZ in a photo array as the driver of that SUV. PEREZ-SANCHEZ does not have legal authorization to be in the United States and has been previously removed from the country on several occasions.

18. Based on the facts and circumstances stated in this Affidavit, I submit there is probable cause to believe that the defendants, Pablo MARTINEZ-MARTINEZ, Weyner PEREZ-DOMINGO, and Edwin PEREZ-SANCHEZ, knowing or in reckless disregard of the fact that certain aliens, had come to, entered, or remained in the United States in violation of the law, did conspire to transport and move such aliens within the United States by means of transportation and otherwise, in furtherance of such violation of law, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(a)(1)(A)(v)(I).

19. This affidavit was sworn to telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose.

**JAMES P PANTER** Digitally signed by JAMES P PANTER  
Date: 2022.03.10 11:16:47 -07'00'

James Panter  
Special Agent  
Homeland Security Investigations

Sworn to telephonically this 10 day of March, 2022. 17:12 PM

  
HONORABLE DEBORAH M. FINE  
United States Magistrate Judge